

Section ARTICLE THREE - USE RESTRICTIONS AND ARCHITECTURAL STANDARDS - Sample Provision Excerpt (Publ

satellite dishes. In no way shall the placement of a satellite dish required by the Architectural Control Committee impair reception or increase the cost to any Owner. Any restriction related to a satellite dish shall be necessary to protect the public health and/or safety within the Property. If an Owner desires to install a satellite dish on a Lot, they shall due so in accordance with the notification procedures established by the Architectural Control Committee. Water Softeners and Air Conditioning Equipment.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. ARTICLE THREE - USE RESTRICTIONS AND ARCHITECTURAL STANDARDS (p. 3): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

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